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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THEODORE ITZKOWITZ, :  
: .  
Plaintiff, : Index No. 07 CV 3783 (JGK)  
: .  
-against- : .  
: .  
ISRAEL DISCOUNT BANK OF NEW YORK, : **NOTICE OF MOTION**  
ISRAEL DISCOUNT BANK OF NEW YORK :  
SEVERANCE PLAN FOR SPECIFIED :  
EXECUTIVES, ISRAEL DISCOUNT BANK OF :  
NEW YORK SEVERANCE PLAN, ISRAEL :  
DISCOUNT BANK OF NEW YORK DEFERRED :  
COMPENSATION PLAN, and PENSION PLAN :  
FOR EMPLOYEES OF ISRAEL DISCOUNT :  
BANK OF NEW YORK, :  
: .  
Defendants. :  
----- X

PLEASE TAKE NOTICE that upon the Complaint of Plaintiff Theodore Itzkowitz and the exhibits attached thereto, the accompanying Declarations of Susan Rinaldi and Jennifer B. Rubin and the exhibits attached thereto, and Defendant's Memorandum of Law in Support of its Motion to Dismiss, defendant Israel Discount Bank of New York, through its undersigned counsel, will move this Court for an order, pursuant to Fed. R. Civ. P. 12(b)(1), dismissing Counts Four and Five of the Plaintiff's Complaint because the Court lacks jurisdiction over the

subject matter, and pursuant to Fed. R. Civ. P. 12(b)(6), dismissing Count Three of the Plaintiff's Complaint for failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, must be served within ten business days after service of the moving papers and any reply memoranda of law must be served within five business days after service of the answering papers.

Dated: New York, New York  
July 9, 2007

Respectfully submitted,

MINTZ LEVIN COHN FERRIS  
GLOVSKY and POPEO, P.C.

By: \_\_\_\_\_

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